

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

LULA WILLIAMS, et al.,
on behalf of themselves and all
individuals similarly situated,

Plaintiffs,

v.

Civil Action No. 3:17-cv-461

BIG PICTURE LOANS, LLC, et al.,

Defendants.

ORDER

Having considered the CLASS ACTION COMPLAINT (ECF No. 1), the MOTION OF DEFENDANT MATT MARTORELLO TO DISMISS THE COMPLAINT PURSUANT TO FED. R. CIV. P. 12 (ECF No. 36), and the supporting, opposing, and reply memoranda, the Court finds that:

(1) The CLASS ACTION COMPLAINT plausibly and adequately pleads a claim for declaratory relief (COUNT ONE) in that the choice-of-law and forum-selection provisions of the agreements at issue are void and unenforceable under Virginia law; and

(2) The CLASS ACTION COMPLAINT plausibly and adequately pleads violations of 18 U.S.C. § 1962(c) in COUNT TWO and 18 U.S.C. § 1962(d) in COUNT THREE;

(3) The CLASS ACTION COMPLAINT plausibly and adequately pleads violations of Virginia's usury laws; and

(4) The CLASS ACTION COMPLAINT plausibly and adequately pleads a claim for unjust enrichment in COUNT FIVE; and

Therefore, it is hereby ORDERED that the MOTION OF DEFENDANT MATT MARTORELLO TO DISMISS THE COMPLAINT PURSUANT TO FED. R. CIV. P. 12 (ECF No. 36) is denied.

It is further ORDERED that the facts and legal contentions are adequately presented in the materials before the Court and oral argument would not aid the decisional process.

It is so ORDERED.

_____/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: March 12, 2018

REP